

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALEXANDER CREQUE,

Plaintiff,

- against -

JOHN BEATTY, JR.,

Defendant,

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**COMPLAINT  
PLAINTIFF DEMANDS A  
JURY VERDICT**

Plaintiff, **ALEXANDER CREQUE**, by his attorney, the Law Office of Ryan S. Goldstein, PLLC., complaining of the Defendant(s) herein in this Complaint, respectfully allege upon information and belief as follows:

**PARTIES TO THE ACTION**

1. At all times relevant herein, Plaintiff, **ALEXANDER CREQUE** was and is an individual residing in the County of Bronx and City and State of New York. Mr. Creque is a forty (40) year old male born and residing at 256 East 169<sup>th</sup> Street, #1D, Bronx, New York 10456.
2. At all times relevant herein, and upon information and belief, Defendant, **JOHN BEATTY, JR.**, was an individual residing in the City of Morrisville in the County of Bucks and State of Pennsylvania. Mr. Beatty resides at 512 Berwyn Road, Morrisville, Pennsylvania 19067.

**JURISDICTION AND VENUE**

3. This action is brought under this court's original jurisdiction pursuant to 28 U.S.C. § 1332 of the United States Constitution and/or federal laws or treaties in that the parties are citizens of different states and the amount in damages are in excess of \$75,000.00 exclusive of interest and costs.
4. At all times relevant herein, Plaintiff, **ALEXANDER CREQUE** was and is a resident of the State of New York.
5. At all times relevant herein, and upon information and belief, Defendant, **JOHN BEATTY,**

**JR.**, was a resident of the State of Pennsylvania.

**STATEMENT OF CLAIMS**

6. On or about **12<sup>th</sup> day of September 2018** Plaintiff, **ALEXANDER CREQUE** was a lawful owner and operator of a certain 2012 Audi motor vehicle registered in the State of New York.

7. That at all times hereinafter mentioned, and upon information and belief, the Defendant, **JOHN BEATTY, JR.** was a lawful owner and operator of a certain 2015 Dodge Caravan motor vehicle registered in the State of Pennsylvania.

8. That on or about the **12<sup>th</sup> day of September, 2018** at approximately 3:09 P.M., the motor vehicle which was owned and operated by Plaintiff, **ALEXANDER CREQUE** was stopped in traffic at Roosevelt Boulevard intersecting Red Lion Road in the County of Philadelphia and State of Pennsylvania when the motor vehicle owned and operated by Defendant, **JOHN BEATTY, JR.** struck the rear end of Plaintiff's vehicle.

9. That at all times hereinafter mentioned, the roadways known as Roosevelt intersecting with Red Lion Road in the County of Philadelphia and State of Pennsylvania was and still is a public roadway.

10. That the negligence of the Defendant consisted of his negligent ownership, operation, maintenance and control of his motor vehicles; in operating his motor vehicles at an excessive rate of speed under the circumstances then and there prevailing; in failing to stop; in failing to slow down; in operating his motor vehicle in a state of disrepair; in failing to keep his motor vehicles under proper control; in operating his motor vehicle in a dangerous and reckless manner; in failing to keep a proper lookout; in failing to give warning of his approach; in failing to observe the traffic controls and rules of the road; in failing to make proper, timely and adequate use of the signal devices, brakes and other safety equipment; in failing to make proper use of the steering mechanism; in failing to observe and obey traffic controls at the time and place of the occurrence; in disregarding and disobeying the applicable laws, statutes, ordinances, rules and regulations governing the movement of motor vehicles traffic at the time and place of the occurrence; and in being in all ways generally

careless, reckless and negligent.

### **INJURIES**

11. Plaintiff **ALEXANDER CREQUE** repeats and realleges each and every allegation contained in Paragraphs 1 through 02 of this Complaint with the same force and effect as if set forth herein.

12. That as a result of the negligence of the Defendant, **JOHN BEATTY, JR.** as hereinbefore alleged, the Plaintiff, **ALEXANDER CREQUE** was caused to be rendered sick, sore, lame and disabled and to sustain severe and grievous injuries to his head, neck, body and limbs, both internal and external; and to sustain and still sustain, severe pain, mental anguish and physical and emotional disability, and further, said plaintiff has been caused to expend and become liable for, and upon information and belief, will in the future be caused to expend and become liable for great sums of money in an effort to cure themselves of her injuries.

13. As further and direct result of the negligence and carelessness of the Defendant, **JOHN BEATTY, JR.** the Plaintiff, **ALEXANDER CREQUE**, now suffers from recurring pain and will continue to suffer from recurring pain in the future.

14. As further and direct result of the negligence and carelessness of the Defendant, **JOHN BEATTY, JR.** the Plaintiff, **ALEXANDER CREQUE** is limited in his abilities to perform the ordinary physical activities of everyday life.

15. As further and direct result of the negligence and carelessness of the Defendant, **JOHN BEATTY, JR.** the Plaintiff, **ALEXANDER CREQUE**, will expend significant sums of money for future medical treatment and services including but not limited to physical therapy and future surgeries.

16. That as a result of the foregoing, the Plaintiff **ALEXANDER CREQUE** suffered a "serious injury" as defined by Section 5102(d) of the Insurance Law of the State of New York as well as all applicable laws governing the State of Connecticut.

17. That by reason thereof, Plaintiff, **ALEXANDER CREQUE** is entitled to recover for non-economic loss and for such economic losses as set forth in Section 5102 of the Insurance Law of the

State of New York.

18. That the Plaintiff, **ALEXANDER CREQUE** is a "covered person" as defined by Section 5102(j) of the Insurance Law of the State of New York and/or the laws governing the State of Pennsylvania.

19. That the actions involved in the operation and use of a motor vehicle and as such, is an exception to Article 16 of the CPLR.

20. That as a consequence of the foregoing, Plaintiff, **ALEXANDER CREQUE** has been damaged in the sum of FIVE MILLION and 00/100 (\$5,000,000.00) DOLLARS.

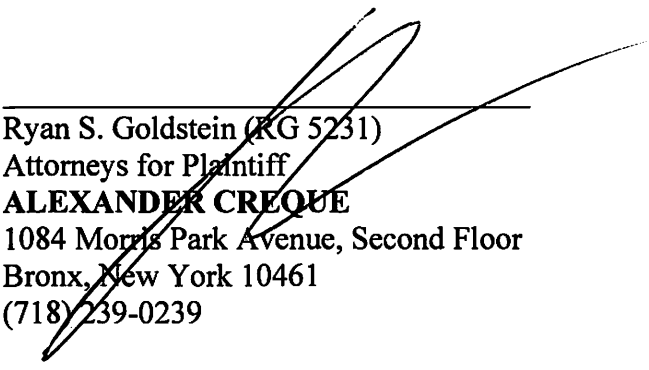
**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, **ALEXANDER CREQUE** respectfully requests that this Court enter judgment:

- (a) Directing the Defendant, **JOHN BEATTY, JR.**, to pay an economic and non-economic damages, including, but not limited to, compensation for past, present and future pain and suffering to be determined by a trier of fact but not to be less than FIVE MILLION and 00/100 (\$5,000,000.00) DOLLARS;
- (b) awarding Plaintiff, **ALEXANDER CREQUE** the costs and disbursements of this action, together with reasonable attorneys' fees, including without limitation, all such fees as are provided by applicable law;
- (c) retaining jurisdiction over this matter to assure full compliance with any Order of this Court; and
- (d) granting such other and further relief as to this court deems just and proper.

Dated:           Bronx, New York  
                  October 14, 2019

**LAW OFFICE OF  
RYAN S. GOLDSTEIN, PLLC**



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To:

**JOHN BEATTY, JR.**  
**512 Berwyn Road**  
**Morrisville, PA 19067**